

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

WILLIAM M. HOWARD, JR.¹,

Plaintiff,

v.

4:09-cv-08

LINCOLN COUNTY JAIL, et al.,

Defendants.

MEMORANDUM OPINION

On May 22, 2009, the court granted the defendant's motion for an extension of time to answer the complaint. Plaintiff's copy of that order, which was mailed to him at his last known address of Lincoln County Jail, was returned undelivered on June 1, 2009, with the notation "RTS Not Here." Plaintiff bears the burden of prosecuting his action, which includes informing the court of his correct mailing address, and he has not done so. Accordingly, this action will be **DISMISSED WITH PREJUDICE**, *sua sponte*, for failure to prosecute. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The

¹In its initial order, the court noted that, although two other individuals were named as plaintiffs in the style of the case, only William M. Howard, Jr. signed the complaint and submitted an *in forma pauperis* application and therefore the court would treat the complaint as filed solely by Mr. Howard. The Clerk is **DIRECTED** to update the docket sheet to reflect that William M. Howard, Jr. is the sole plaintiff.

court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE